

MINUTES OF MEETING
NORTH CASS WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
JULY 23, 2013

The North Cass Water Resource District Board met on July 23, 2013, at 8:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Michael R. Buringrud, Chairman; Wes Ecker, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Brittany C. Moen, Administrative Assistant; Kurt Lysne, Engineer for the Board; and Brady Woodard, Moore Engineering, Inc. Manager Robert Thompson was absent.

Drain # 13 Channel Improvements Phase V

Kurt Lysne reported that right-of-way for Drain #13 Channel Improvements Phase V has been obtained, and he expects the project will begin shortly.

Application to Install a Subsurface Drain No. 20139 for Dale Rust and Perry Rust in the E 1/2 of Section 27 in Wiser Township

The Board reviewed *Application to Install a Subsurface Drain No. 20139* dated July 15, 2013, for Dale Rust and Perry Rust. The Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer's Office to consider and approve). Under the application, Applicants seek to install a drain tile system in the E 1/2 of Section 27 in Wiser Township, Cass County, North Dakota. The project will include a gravity outlet that will discharge directly into Cass County Drain No. 13.

Kurt Lysne reviewed the application and recommended that if Applicants seek to open-cut the Drain No. 13 berm for purposes of installing the system, Applicants must return the berm to pre-existing elevations in cross sections. Further, Mr. Lysne suggested that the Board require Applicants to install and maintain erosion protection in the drain to protect the drain bottom and slope from erosion caused by the tile discharge.

Because the project will discharge directly into Drain No. 13, the application did not require a *Thirty-Day Notice* under N.D. Cent. Code § 61-32-03.1, and the Board cannot require Applicants to obtain any flowage easements from downstream landowners.

According to records on file with the Cass County Recorder's Office, Gladys Rust owns the NE 1/4 of Section 27; Perry Rust and Dale Rust own all of the SE 1/4 of Section 27 with the exception of a 10.79-acre tract owned by Luke and Ashley Mickelson.

It was moved by Manager Ecker and seconded by Manager Buringrud to approve a *Utility Permit* for the Applicants to discharge into or otherwise utilize any of Drain 13 right of way, and to approve *Application to Install a Subsurface Drain No. 20139* dated July 15, 2013, for Dale Rust and Perry Rust in the E 1/2 of Section 27 in Wisner Township, subject to the following conditions:

- 1) That Applicants obtain easements from the owner of any land, besides land owned by Applicants, on which Applicants will construct the tile system;
- 2) That Applicants provide and maintain adequate erosion protection at any and all outlets into Cass County Drain No. 13 (Applicants are solely responsible for any damages to Cass County Drain No. 13 as a result of the tile project);
- 3) That Applicant notify the North Cass Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicants notify the North Cass Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 5) That Applicants obtain an approved *Utility Permit* from the North Cass Water Resource District regarding any and all outlets into Cass County Drain No. 13; and
- 6) That Applicants obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Utility Permit for CenturyLink to install buried telephone cable under Drain #13 just north of 26th Street SE of Section 9 in Harwood Township

It was moved by Manager Buringrud and seconded by Manager Ecker to approve the *Utility Permit* for CenturyLink to install buried telephone cable under Drain #13 north of 26th Street SE of Section 9 in Harwood Township, upon review of the Water Resource District Engineer. Upon roll call vote, the motion carried unanimously.

2014 Budget and 2013 Maintenance Levy Assessments

The Board worked on the 2014 Budget and 2013 Maintenance Levy Assessments.

Minutes

It was moved by Manager Ecker and seconded by Manager Buringrud to approve the minutes of the June 25, 2013, meeting. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Ecker and seconded by Manager Buringrud to approve payments of Checks #3793 through #3800 and the electronic funds transfers, as presented. Upon roll call vote, the following Managers voted in favor: Ecker and Buringrud. The Chairman declared the motion passed.

Drain #31 – cleanout in Section 14 of Noble Township

Brady Woodard met with Doug Rensvold about removing silt from Drain #31 in Section 14 of Noble Township. Mr. Woodard estimated it would cost \$1,000 to remove the silt from the channel.

Drain #22 berm repair and Drain #31 slide repair

It was moved by Manager Ecker and seconded by Manager Buringrud to authorize spending up to \$1,500 for the following repairs:

- Drain #22 – repair of berm in Section 34 of Noble Township
- Drain #31 – repair of slide in Section 18 of Noble Township

Upon roll call vote, the motion carried unanimously.

Adjournment

There being no further business to be considered by the Board, the meeting adjourned without objection.

APPROVED:

Michael Buringrud
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer